

AB 982 Public Advisory Group

California Chamber of Commerce
1215 K Street, Suite 1400
Sacramento, California

Meeting Summary

Tuesday, October 22, 2002

Convene Meeting: Co-Chairs Craig Johns and Linda Sheehan opened the meeting at 9:15 a.m. and declared a quorum.

Introduction: Steve Ekstrom, PAG facilitator, asked members to introduce themselves. He gave a description of the agenda noting that there were four main topics: update on the 303(d) list; listing/delisting policy; development of TMDL guidelines and the future direction of the PAG.

Summary of the July 23, 2002 meeting: The summary was accepted as mailed.

Update on the Section 2002 303(d) List. Craig J. Wilson stated that there were 295 individual and organization responses to the proposed list, totaling 1650 separate comments. Revisions to the proposal were made, in most cases, in response to this input. Copies of a document containing all stakeholder suggestions and staff responses were available at this PAG meeting. Looking forward, written comments are due by November 1, followed by a Board workshop on November 6, 2002, and a Board meeting to be held on November 19, 2002.

{Please Note: On November 8, 2002 the SWRCB extended the comment period to December 6, 2002. The 303(d) List will be considered for approval on January 22, 2003 at the SWRCB Board Meeting.}

Craig Wilson made the following initial points:

- In 1998, 509 water body segments were proposed for the 303(d) list; in 2002, 675 segments are proposed (39 are the result of segmentation changes).
- GIS was used to map the segments.
- The approach taken by staff was to use the 1998 list as a basis for the new list; data from each water body was examined for its quality, as was the beneficial use for each water body; if there was only one data point or exceedance, the water body was not listed.

PAG comments included:

- More time is needed to review the documents containing the propose list; 8 days is not enough time, 30 days are needed; the process shouldn't be driven by U.S.

EPA dates. Based upon this concern a consensus point was agreed to. It was decided that a letter expressing this consensus would be sent to the Chair of the SWRCB signed by the PAG Co-chairs.

Consensus point: “The PAG strongly urges the State Board to postpone by at least thirty (30) days, its currently scheduled workshop and associated November 1 written comment deadline, to take public comments on the proposed revisions to the 2002 Section 303(d) List of impaired water bodies. If the State Board is unable or unwilling to postpone the November 6 workshop, then the PAG urges the State Board to extend the public comment period until December 1 and hold a subsequent workshop prior to adopting the revised 2002 Section 303(d) List.”

Other questions/comments from the PAG regarding the proposed 303(d) list included:

- Is the mapping data new or old? Response: 1998 data represented educated guesses; 2002 data is more refined and GIS-driven, there is also better segmentation.
- The GIS Mapping is a good planning tool.
- Can the PAG get a copy of the map? Response: Ultimately it will be on the website.
- Can a change sheet be circulated that would make it easier to compare the 1998 list to the 2002 list? Response: Staff will try to produce this, but it could represent an enormous amount of work.
- There’s not a fact sheet for some temperature listings; this inconsistency could make some listings vulnerable.
- Some staff responses weren’t really responsive to comments that were made; how can the public decipher this? Response: This was a complex and difficult process involving over 1600 comments requiring responses; staff grant that some staff responses could have been more specific had there been more time.
- Was any consideration given to the newness or age of the data? Response: Yes, it was looked at on a case-by-case basis depending on the factor, e.g., sediments, dissolved oxygen, etc.
- Staff are to be applauded for their hard work, in spite of the occasional inconsistencies.
- There should be fact sheets for the water bodies carried over from the 1998 List in the Staff Report.

Report to the Legislature: This was an additional agenda item pertaining to the status of the legislative report. Staff indicated that comments had been received from the environmental caucus but not from the regulated caucus. Currently the report is being reviewed in the SWRCB Executive Office.

Reductions in SWAMP funding: This was also an additional agenda item, carried over from a related discussion at the last PAG meeting. The PAG reiterated its concern about

reductions in monitoring. After much discussion, the following consensus point was reached:

Consensus point: “The PAG considers a robust SWAMP program as key to the full implementation of the TMDL program, and recommends that it be given the same funding priority as the TMDL program.”

In addition, the environmental caucus requested the minutes reflect the following: “The environmental caucus of the PAG recommends that the State Board consider use of clean-up and abatement funds to restore the \$500,000 in SWAMP funding which has been eliminated in FY 2002-03.”

Concepts for the Listing/De-Listing Policy: Craig Wilson reminded the PAG that at the last meeting they had agreed on two points, that the listing/de-listing process be “transparent” and that a standard set of tools be employed. He asked if the PAG might consider any other consensus points. He noted that in reviewing the letters from each caucus some intersection of interests seemed to emerge, e.g., full documentation, and consistent, repeatable and do-able processes.

The environmental caucus reiterated that a robust policy needs a robust “engine”, e.g., staff and funding. Unfortunately, it lacks the latter (note the reductions to monitoring program).

The regulated caucus suggested the Water Board adopt a strong policy, even in lean budget times, so that it can be implemented when resources are eventually increased.

Overall, staff were encouraged to weigh in on the policy statement, and not attempt to satisfy all stakeholder interests.

Public comment: Just before the lunch break the public was invited to comment. No one chose to speak at this time.

TMDL Guidelines Development: Tom Mumley presented an update on the development of TMDL guidelines. He provided handouts and reviewed the following: TMDL process elements; completed TMDLs; active TMDL projects; TMDL project phases (zero through seven); general guidance structure, concept and document schedule; potential issue papers; potential technical modules; categorical TMDL work groups; issue work groups; and other initiatives being undertaken.

PAG comments included:

- Consider adding metals to potential technical modules under bioaccumulative substances.
- How about instances where you don’t know what the pollutant is that’s causing the listing? Response: The PAG was referred to the TMDL Process Elements

- slide; the point was made that the loop back framework is flexible enough to accommodate this concern.
- How does NPDES permitting fit in? Response: At various points in the TMDL development process.
 - Is there opportunity for stakeholder input? Response: Yes, at multiple points in the process.
 - How will watershed policies influence TMDL guidelines? Response: Via interagency coordination.
 - Regarding issue papers and technical modules, are there opportunities for input? Response: Yes, it appropriate for the PAG to review these, as well as other stakeholders; some may in fact require public comment.
 - Some of the PAG members, e.g., agriculture, indicated an interest in “fleshing out” the allocation process.
 - Regarding the TMDL Process Elements flowchart, is it a linear process or are there feedback loops? Response: there are feedback loops.

Tom Mumley indicated that the next steps include sharing products with the PAG, and providing status reports and each subsequent meeting.

Rik Rasmussen was asked to introduce himself. Rik is the new TMDL Coordinator as of October 1, 2002.

Future Direction of the PAG: Co-chairs Johns and Sheehan noted that the PAG has been an effective group, but that in conversations they’d recently had they wondered if it’s appropriately designed for the future. They proposed that a Steering Committee be named that would meet more frequently (perhaps every other month) to do the more detailed work, and that the full PAG meet twice per year.

Comments from the PAG included:

- The PAG should have a focus, and should not go on forever.
- The PAG should exist in its current form at least until the TMDL guidelines are developed; then the PAG could consider restructuring itself.
- Others agreed with the above, but also endorsed the steering committee concept.
- An alternative opinion: have one day meetings as currently scheduled, but organize them so that the caucuses meet in the morning, and the PAG meets in the afternoon.

After more discussion it was decided to not change the structure of the PAG at this time. In the meantime, staff will ask the Board what value they might see in continuing the PAG. Staff should also weigh in on this question.

Public Comment: No one chose to address the PAG at this time.

Wrap-up and Next Steps: The next meeting of the PAG is tentatively set for Tuesday, March 11, 2003.

July 23, 2003
Approved

Adjournment: The Co-Chairs adjourned the meeting at 2:45 p.m.